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Municipal People's Court, for example, 97 long standing employees were reported among the 120 people working in the adjudication committees.[10] In Taiyuan, Shansi Province, the number of old-guard participants was as high as 83 per cent; even in Peking, the percentage was reported to be about 52 per cent.[11] Such a large percentage was asserted to be common in all provincial and municipal People's courts -- the higher the court, the higher the percentage. These judicial workers were also charged with corruption on various counts. In Taiyuan, one-half of the judicial employees accused of corruption had once been employed by the Nationalist Government.

To eliminate the personnel and practices left over the Kuomintang period, the campaign encouraged mass meetings to identify, accuse, and pass judgment upon "corrupt" judicial officers. The habit criticism and self-criticism involving ideology and performance, was developed within the courts. Meanwhile, the Communists called for the inspection and the reform of prison management.

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The Communists also began to dispose of "accumulated" cases -- untried or mistried cases. The People's tribunals were encouraged to investigate past adjudication as well as cases still pending in the courts. In both instances, mass meetings and mass trials were held. The speed with which cases were processed created an atmosphere of terror at these trials. In the county of Hochien, Hopei Province,[12] a team of ten people were

10. Report of Shih Liang, Minister of Justice, ibid., Aug. 23, 1952, p.1.

11. Ibid., Sept. 13, 1952, p.1.

12. Ho-pei Jih-pao [Hopei Daily], July 19, 1951, p.1.

698 reported to have handled all the cases in that county in ten days. In Ts'ang hsien, 146 cases were disposed of in four days.[13]

After mass concern has been aroused, mediation committees were established. These committees, organized in both the cities and the rural areas, formed the broad foundation of judicial power and functioned as instruments of local government to influence judicial activities. Composed meainly of activists from various mass organizations, the committees were further subdivided according to the types of disputes to be handled. When a dispute arose, all parties involved were invited to a meeting at which the activists bombarded the participants with propaganda and tried to persuade them to accept the verdict dictated by the committee. In the city of Peking,[14] collective mediation was begun and representatives of all related organizations were invited to present their views. Government policies were stressed during collective mediation, and sometimes smaller discussion groups were organized to facilitate individual "persuasion."

671 692 The Communist determination to eliminate the Kuomintang code and the existing judicial system was expressed in the Common Program of 1949. Article 17 of the Common Program proclaimed "the abolition of all laws, decrees, and judicial systems of the Kuomintang Government and the establishment of the People's Judicial System." The Communists justified complete replacement of the Kuomintang code, the Liu-fa Ch'üan-shu [The Compendium of the Six Codes of the Repub-

13. Ibid., August 11, 1951, p. 2.
14. People's Daily, July 18, 1952, p. 3.

693 3. The Third Stage (1953-55) The large-scale elimination of "old-established" personnel necessitated the training of new personnel as replacements. At the second session of the National Judicial Conference held in September 1953, a resolution was passed calling for the training of 200-500 judicial workers from each region.[16] Universities were told to strengthen their law schools, and students of political science and law were encouraged to work for the People's courts.

692 With regard to the gradual introduction of Communist concepts and techniques into the People's courts, effort was concentrated on the strengthening of judicial power at lower levels and the establishment of special courts in industrial and mining organizations. Progress was reported in July 1955 by Shih Liang, Minister of Justice. In the nation as a whole, 3,795 circuit courts and 157,966 mediation committees had been established.[17] In Ting-hsien, Hopei Province, four circuit courts were in operation, of which three were converted to People's tribunals[18] because it had been discovered that the tribunals spent less time over each trial and could settle in a given period more cases than could the circuit courts.

• 698 The establishment of special courts in industrial and economic organizations was first

16. People's Daily, Sept. 10, 1953, p. 1.
17. Ibid., July 30, 1955, p. 6.
18. Kuang-ming Jih-pao [Enlightenment Daily], July 9, 1955, p. 2.

698 carried out in transportation centers. As of September 1954, eight railway courts and one waterway court had been set up in the nation as a whole. To cope with the increasing number of cases involving econmic matters, various judicial organizations were established. The "comrade trial" court is one of these organizations. As of June 1954, 70 of these courts had been inaugurated in major cities throughout the nation.[19] Members of these trial courts were activists from the trade unions. Like the mediation committees, the comrade trial courts employed self-criticism and p opaganda as the chief weapons. Their authority extended only to recommending administrative punishment, and their jurisdiction was limited to disciplinary cases.

692 The passage of the Organic Law of the People's Court of the People's Republic of China by the first session of the National People's Congress, which also promulgated the Constitution of September 1954, placed the judicial system on a "permanent" basis. The new law formalized the relationships among the courts -- the Supreme People's Court, the High People's Court in a province and a municipality, and the basic-level People's court in a county, city, and municipal ch'ü. The courts continued to serve as weapons of the state and to subordinate judicial functions to political policies. This gain was achieved by the political selection of judicial personnel and the establishment of People's tribunals. At the

19. People's Daily, June 5, 1954, p. 3.

4: Burgess E-4.5 (1926-1927) 1928 AF12 North China AF12

*441 *467 656 local government to impose taxes on guild products or on sales has also been described.

The national and provincial governments have taken an active part in the promotion of chambers of commerce in China. Yuan Shih Kai, when Governor of Shantung, in 1900, suggested the organization of a chamber of commerce for the whole province. By 1915, 869 such chambers had been established, representing 230,431 shops. In 1911, after the Revolution, the Ministry of Agriculture and Commerce was given supervison of these commercial bodies, and in 1914 that ministry promulgated a series of regulations for them.

A chamber of commerce, according to these regulations, is a group of business men who are either officers of corporations, representatives of gilds, or men who are independently interested in industrial or commercial enterprises, who have not been deprived of their rights of citizenship, who have not outstanding any uncanceled decree of bankruptcy, and who are not afflicted with nervous diseases.[1]

The duties of these chambers of commerce are minutely prescribed by the Ministry of Agriculture and Commerce. They include such items as the following: consulting about industrial and commercial reforms; furnishing information to officials about commercial and industrial questions; settling industrial and commercial disputes at the request of interested parties; being responsible for maintaining order when there is a money panic.

*441 *467 656 698 Directors of the chambers of commerce are entrusted with the duty of carrying out all these functions except that relating to the settlement of disputes between merchants or between merchants and workmen. For this purpose a few of its more prominent members are selected to act as judges.

[1] Gamble and Burgess, p. 205.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

Under the Republic the Ministries of Justice and of Agriculture and Commerce have made very careful regulations concerning this court.[1] Only cases important to commerce may be brought to this tribunal. All decisions may be appealed to a government court.

The effects of the organization of the Chamber of Commerce and of these related courts upon the functions and operations of the commercial guilds is very great. In Peking the commercial guilds, formerly isolated bodies, have become related to a more inclusive group, with a larger program and interest. Our reports indicate again and again the growing power of the Chamber of Commerce over the activities of local guilds. Taxes are paid through the Chamber of Commerce. Inter-guild disputes, formerly settled by informal groups of neutral guildsmen, now go to the Chamber of Commerce Court. Contests with the officials, formerly waged by each small organization independently, are now conducted by this union of all the trades of the city. It must further be remembered that these local chambers of commerce are related to the provincial and national organizations. This whole plan has the result of breaking up the localism and petty interest of the original commercial groups.

In the regulations of the Department of Agriculture and Labor of the Peoples Party there is a clause that forbids official sanction (registration) to any union if in its constitution there is found a stipulation of compulsory membership. In the past it was a chief source of strength to the guilds that they could force all craftsmen or those of the same occupation in the local area to become guildsmen. In these new organizations, many of which are reorganized guilds, such a practice is forbidden by law.

[1] Gamble and Burgess, *op. cit.*, Appendix, National Regulation for Chamber of Commerce Courts and Detailed Rules of Chamber of Commerce Courts.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

ment. From these stipulations it is seen that there is a very direct relationship between the party and the workmen. But it must also be pointed out that the party has more laws and regulations on the labor unions than on the gilds. This may be explained by the fact that the Kwo Min Tang has been struggling hard to reorganize the gilds into unions, and that in as far as those regulations do not prohibit gilds they are also applicable to the gilds.

(2) Basis of organization is industrial rather than trade: This means that the Kwo Min Tang encourages the craft gilds to change into industrial unions, if it is possible for them to do so. In Nov. 1924, the late party chief promulgated trade union regulations, including the following provision, which in effect states that the party encourages the principle of organization of trade unions by industry, with the possibility, in view of the importance of handicrafts among Chinese industries, of organization also by craft. Here we see the party's emphasis upon industrial unions.

(3) Legality of the strike: The gild infrequently used the strike because strike as a method of improving the workers' condition was prohibited (and still is) by Chinese law—especially the Penal Code and police regulations. But in the labor union regulations of 1924 above referred to, the strike is declared lawful.

(4) Abolition of compulsory membership.

(5) Arbitration by government commission: This is provided for in the commercial and industrial disputes provisional regulations of Dec. 1926. The scope of these regulations covers four classes: merchants, small merchants in handicrafts (who employ three men or less per shop), labor unions and public utilities. The arbitration board is organized as follows: One member is appointed by the government, two members are selected from the interested parties. If the dispute involves more than two parties their delegates may be increased. When a decision is handed down by the commission, it is binding on all parties concerned, and the government will enforce the decision by compulsion if necessary.